

DEFINITIONS

Game Species: Animals legal to hunt with a hunting license and, depending upon species, a tag or stamp with seasonal restrictions and bag limits; generally, animals that are harvested for food, fur, or other resource purposes.

Nongame Species: Animals ~~legal to hunt with or without a hunting license, a tag or stamp is not necessary and seasonal restrictions and/or bag limits typically do not apply~~ that may not be hunted unless expressly specified in §472 of CDFW Mammal Hunting Regulations. Species listed in §472 that may be legally hunted usually do not require hunting licenses or hunting tags, and are generally animals that are harvested for conservation, financial, or other resource management purposes.

Commented [W1]: Changed in response to comment #149

Bag Limit: The number of game or fish species allowed to be legally taken under one license and/or authorizing tag or stamp.

Possession Limit: The total number of game or fish species allowed within one season legally taken under on license and/or authorizing tag or stamp; cumulative of the bag limit.

Season / Seasonal Restriction: Is here used to mean the time limit within which game or fish species may be legally taken, typically expressed as a starting day general to the year (e.g., first Saturday of a given month) and extending for a prescribed number of days forward.

Daily Restriction / Limit: Is here used to mean the limit of hours within a 24-hour period within which game or fish species may be legally taken, typically expressed in diurnal phases (i.e., sunset, sunrise, civil dawn, civil twilight).

Take / Harvest: The legal pursuit and kill of game or fish species.

Method of Take / Harvest: The means by which a hunter or angler takes a game or fish species in the field.

Hunting / Fishing License: The legal document issued by the CDFW to a hunter or angler allowing such to hunt or fish, typically for one year. Several species require an additional document, a tag / stamp, to take prescribed game or fish (see Tag / Stamp).

Tag / Stamp: The legal document issued by the CDFW to a hunter or angler allowing such to take prescribed game or fish. Tags are specific to species, season, zone, and/or method of take, and are associated with one licensed hunter or angler.

REGULATORY BACKGROUND

The California Department of Fish and Wildlife's (CDFW) Wildlife and Fisheries Division and Law Enforcement Division are tasked with developing hunting regulation recommendations and protecting natural resources, including game, throughout the state (CDFW 2015). The California Fish and Game Commission (CFGC), a state government entity separate from the CDFW, is tasked with regulating the "taking or possession of birds, mammals, fish, amphibians, and reptiles" (California Fish and Game Code

(FGC) Section 200). The CFGC has the authority to set “seasons, bag limits, and methods of take for game animals, sport fishing, and some commercial fishing” (CFGC 2015). Bag limits, seasonal restrictions, and methods of take or harvesting are determined by the CFGC through the recommendations of CDFW and other natural resource stakeholders to ensure that game and fish populations are maintained at sustainable levels throughout California, and reviews of such are conducted annually. Frequently, seasonal restrictions and/or harvest limits are modified to accommodate low or high populations of game and fish species within given regions of California. Likewise, hunters are required to validate tags post-harvest, the information of which supplies data for the CDFW to determine the next year’s bag and possession limits.

The State of California has been divided into zones based around singular species of game. The CFGC determines seasonal restrictions and the annual harvest limit for the target species, based on the health of that zone’s population. Zone boundaries vary by species, with some species freely harvested across zones and/or throughout the state. Generally, zones follow major topographic features (e.g., watershed breaks) or cultural features (e.g., highways, state borders). Throughout the state, hunting and angling are allowed on public lands designated as such and private property with written or witnessed permission by the property owner(s) only.

To legally hunt within the State of California, an individual must be in possession of a current (annual) hunting license. With few exceptions, each individual possessing a hunting license must have passed a hunter’s safety course wherein which the prospective hunter learned harvesting ethics, the safe handling of firearms, the safe handling of taken game, and state hunting regulations. In addition to a hunting license, to hunt certain game species an additional tag or stamp is required. Licenses and tags are both issued by the CDFW and must be in possession of the hunter at all times within the field. The Law Enforcement Division of the CDFW polices the illegal possession and pursuit of game, fish, and other wildlife with game wardens, who regularly cite and arrest those taking animals beyond the bag limit, out of season, with illegal methods, within protected areas, and/or other illegal means.

Hunting and angling are highly regulated recreational pursuits that are regularly reviewed and regulated by the CDFW, CFGC, the U.S. Fish and Wildlife Service (USFWS), and other non-governmental organizations to ensure that practices are safe for the general public, conducted ethically, and without significant environmental impact.

GAME SPECIES AND HUNTING WITHIN THE BANK

As with most private properties, the Bank strictly controls hunting within its boundaries. Hunting is by permission of the Property Owner and his/her assigns with restrictions clearly designated in the Long-term Management Plan:

“Hunting shall be allowed on the Property in accordance with the following restrictions: (i) hunting activities shall not adversely affect the Conservation Values; (ii) no hunting activities shall take place from March 1 through July 15 of any year, and this closure period may be extended in writing by either Grantee, in consultation with CDFW, or CDFW to accommodate early or late Swainson’s Hawk presence in any given year; (iii) recreational or target shooting not

directly associated with the lawful take of game is strictly prohibited; and (iv) commercial hunting shall be allowed subject to any reasonable terms and conditions to protect the conservation values of the Property.”

(WRA 2014, BEI: Exhibit D-5)

And:

“The Property Owner reserves the right to engage in non-motorized recreational activities in the Bank Properties in the same manner as the Property Owner and his/her assigns currently utilize the Bank Properties. These uses include, by way of example and not limitation, hiking, horseback riding, and hunting (subject to the restrictions described above). No motorized recreational activities (e.g., recreational off-highway vehicle activities) are permitted on the Bank Properties outside of existing trails, paths, and roadways.”

(WRA 2014, BEI: Exhibit D-5)

The Bank supports several species of game and nongame legal to hunt within the State of California, including but not limited to, black-tailed deer, rabbits, coyote, bobcat, quail, doves, and waterfowl. Seasonal and zonal restrictions for these species are described and issued to the public by the CDFW. The Bank resides within the “Non-lead Ammunition” area for the protection of the California condor, and strict adherence to such is the responsibility of the hunter and is enforceable under the Ridley-Tree Condor Preservation Act of the California Fish and Game Code, Section 3004.5. Additionally, policies for hunting within the Bank will be put in place by the Property Owner to ensure that his/her assigns adhere to all hunting regulations, including forbidding the use of lead ammunition. The following summarizes the regulations and restrictions for each species or group of species that utilize the Bank:

BLACK-TAILED MULE DEER (FGC Section 360)

Commented [W2]: Changed in response to comment #151

The Bank is within the California Deer Zone designated D-11. Currently, the season for this zone extends from the second Saturday in October and extends for 30 consecutive days. The black-tailed mule deer (~~Odocoileus hemionus columbianus~~ Odocoileus hemionus) population within this zone is considered stable, with slight declines attributable to development and fire suppression. The state-wide possession limit is one deer, with a forked horn or better, per tag with a maximum of two tags; therefore, a hunter is allowed two deer from this zone at a maximum, and only if they possess two tags for the zone. The method of take is limited to archery, muzzle-loader, or center-fire firearm, and is largely limited to private lands and the designated public hunting lands. In general, deer hunting in coastal California is practiced by individuals to small groups, on foot, and preferentially in open chaparral, woodland, and grassland habitats. The use of vehicles is limited to accessible roads and trails.

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Deer spend the majority of their time in habitats that provide a high amount of cover in order to avoid predators. Since aquatic features within the Bank Properties provide minimal cover, it is unlikely that deer would frequently be hunted near these features since visitation by deer to these aquatic features would occur only episodically and for short periods of time. Therefore, aquatic resources in the Bank

Properties would be avoided or minimally visited when hunting deer due to the extensive sheltered areas (i.e., chaparral) in the Bank Properties which provide more suitable cover and forage for resident deer. If deer are ever harvested within or adjacent to wetlands then in accordance with state law, they will be taken with non-lead ammunition. Additionally, deer will be immediately processed away from wetlands and waterways to prevent spoilage of the carcass as well as protect the integrity of the aquatic resources within the Bank.

BLACK-TAILED JACKRABBIT (FGC Section 309)

Black-tailed jackrabbit (*Lepus californicus*) occurs within the Bank; however, currently they are a nongame animal regularly hunted for meat, fur, and resource management. Currently, the CDFW enforces neither seasonal restrictions nor bag limits on this animal, as its populations are considered stable to increasing throughout most of California. Jackrabbit hunting is typically conducted by individuals or in pairs, on foot, and preferentially in open chaparral, woodland, and grassland. The hunting for and taking of black-tailed jackrabbits in and around wetlands is the same as that of mule deer (see above).

DESERT COTTONTAIL AND BRUSH RABBIT (FGC Section 308)

Desert cottontail (*Sylvilagus audubonii*) and brush rabbit (*S. bachmanii*) potentially occur within the Bank and are subject to the seasonal restriction of July 1 through the last Sunday in January with zonal restrictions. The bag limit is five animals per day of either species for a total of ten per season. Hunting for these species would be preferentially conducted within open to dense chaparral and grassland edges, and would follow the same preferences and restrictions in and around wetland habitats within the Bank as that of mule deer and black-tailed jackrabbit (see above).

COYOTE, BOBCAT, AND CROW (FGC, Section 473)

Coyote (*Canis latrans*), bobcat (*Lynx rufus*), and crow (*Corvus brachyrhynchos*) are considered nongame by the CDFW. Coyote may be harvested with neither seasonal / daily restriction nor bag limit. Crows can only be taken from the first Saturday of December extending 124 days hence with a bag limit of 24 per day for a total 48 for the season. However, crow may be taken at any time when an individual or individuals are threatening an agricultural enterprise. Bobcats may be hunted October 15- February 28 with annual per person limit of five hunting tags and one tag per bobcat. Typically, coyote, bobcat, and/or crow are hunted for fur or resource management. Currently, these species, particularly coyote, are taken within the Bank for financial concerns by the grazing lessee. All three species are considered stable or slightly increasing according to the CDFW.

CALIFORNIA QUAIL (FGC Section 300)

California quail (*Callipepla californica*) is considered an upland game bird by the CDFW, and as such requires both a valid hunting license and stamp. The Bank is within the Quail Zone Q3 with a seasonal restriction running from the third Saturday in October to the last Sunday in January, and a bag limit of ten per day, and possession limit of 30. California quail utilize numerous habitats, but favor patchily

vegetated areas where shrubs and short trees provide cover and elevated sightlines for the group (covey). Hunting is conducted on foot, and is typically conducted by individuals or very small groups often accompanied by a trained dog or dogs for sight and retrieval. Quail will frequent wetland areas to forage, but only where thick, protective cover (e.g., shrubs) is available to provide immediate refuge from predators. Within the Bank, quail are abundant in mosaicked vegetation (i.e., mix of woody plants and herbs) with infrequent visitation to the site's wetlands; therefore, the hunting of quail would typically occur away from wetlands. Similar to mule deer, the taking of quail in or adjacent to wetlands would be infrequent. Additionally, if take of California quail ever occurs near a wetland, the removal from and processing of the animal would occur immediately and away from a wetland to prevent spoilage.

DOVES (FGC 3683)

Various species of Dove are hunted in California and require a hunting license and Upland Game Bird stamp. Dove regulations are consistent across the state with a seasonal restriction for most species between September 1-15, and again from November 8-December 22. Eurasian collared dove, have no seasonal restrictions. Bag limits for mourning dove and white-winged dove are 15 birds, and for all other species there are no limits. Doves are generalists that utilize a wide variety of upland habitats from open scrub to forest dominated landscapes. They are ground foragers requiring dry ground upon which they peck for cereal grains and seeds. Taking of dove in or near wetlands would be infrequent, and like any game, processing would occur in dry areas where moisture to prevent spoilage.

WATERFOWL (FGC Section 502)

Waterfowl are any number of game birds that rely upon open, aquatic habitats for foraging and resting, with nesting and cover typically occurring near the waterbody (e.g., ducks, geese). The Bank Properties are within the Southern California waterfowl hunting zone. Waterfowl occur within the Bank and are subject to the season restrictions. The waterfowl season for both ducks and geese begins on the third Saturday in October extending for 100 days. The bag limit is seven ducks per day, and may include seven mallards (but no more than two females), two pintail of either sex, one canvasback of either sex, two redheads of either sex, and/or three scaup of either sex. The bag limit is 18 geese per day, and may include 15 white geese and three dark geese. The possession limit for ducks is 21 ducks, which is triple the daily bag limit. The possession limit for geese is 54 geese, which is triple the daily bag limit. Because the Bank is within the "Non-lead Ammunition" area of California, hunting would be conducted with non-lead ammunition in, around, and away from wetlands. Take of waterfowl near an aquatic feature will be immediately removed and processed away from a wetland to prevent spoilage.

SUMMARY

Hunting within California is highly regulated with all hunters trained to minimize impacts to natural resources, safely handle firearms and harvested game, and follow strict ethics for the harvesting of game and visiting their habitats. The CDFW and CFGC set state-wide and/or designated seasonal limits

on the taking of game based on the previous year's tag / stamp issuances and required harvest reports to ensure the sustainability for populations of game animals, as well as the occasional census of animal herds and other research. With the exception of waterfowl, the vast majority of hunting occurs away from wetlands. Game and nongame species spend the majority of their life-cycle away from wetlands, frequenting them only for episodic, short-duration visits for watering and occasional foraging. In rare instances where game and non-game are harvested near a water source, they immediately will be moved away from waterbodies to upland areas where spoilage of the carcass and/or fur is less likely to occur. The use of vehicles will occur only on established roads. The use of vehicles for the active pursuit of game within the State of California is illegal and will not occur within the Bank.

REFERENCES

California Department of Fish and Game (CDFW). 2015. CDFW Website, Available at: [HYPERLINK "https://www.wildlife.ca.gov/"]. Accessed: March 2015.

California Fish and Game Commission (CFGF). 2015. CFGF Website, Available at: [HYPERLINK "http://www.fgc.ca.gov/public/information/"]. Accessed: March 2015.